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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,327	07/23/2004	Primo Finetti	4017-20	3353

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/502,327		FINETTI ET AL.	
	Examiner		Art Unit	
	Bryon P. Gehman		3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☒ Claim(s) 15-16 and 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 14-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 14, line 3, the adjacent containers are defined as "separated by a step". In claim 18, the traction pins and opposing projections are defined as distributed with a step equal to the step between containers. However, it is not seen that the step between traction pins and opposing projections is equal to a step between containers, as the step between a rear end of one container to a front end of an adjacent container of applicants is different than a step between the pins and a step between the projections, which corresponds to the longitudinal strip dimension of one container.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14, lines 8-9, "the longitudinal edge zone" is

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inconsistent with line 4 or lacks antecedent basis for one particular longitudinal edge zone. See also claim 19, line 2.

In claim 22, line 4, "from which protrude laterally traction pins" is awkward grammatically and renders the definition of the structure thereby indefinite. In line 6, "said being traction pins" either lacks antecedent basis or is again awkward grammatically. In lines 6 and 12, "the longitudinal edge zone" (singular) is inconsistent with lines 3-4, "at least one longitudinal edge zone", or lacks antecedent for one particular longitudinal edge zone. In line 14, "which member" (singular) is inconsistent with line 13, "at least one dragging member", or lacks antecedent for one particular member. In line 17, "a traction pin" should be --one said traction pin--, to indicate the reference is to one of the already defined traction pins. In lines 18 and 20, the singular "thrust element" is inconsistent with line 15, "one or more thrust elements". In line 19, "said running surface" is inconsistent with line 11, "two running surfaces".

In claim 24, line 5, "the relative opposing projection" should be --its relative opposing projection--, to clearly indicate which opposing projection is being referred to.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 14 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bill et al. (5,767,433). Claims 14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Spuck et al. (4,588,090). Claims 14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kjorsvik (2,343,064). Each discloses a continuous strip (10; Figure 2; Figures 3 and 4) of containers (26; 7; 17; respectively) wherein the containers are distributed stepwise one after another according to a longitudinal axis of the strip, two adjacent containers being separated by a step, the strip of containers having a longitudinal edge zone with traction pins (one 18; one 6 and/or 8; one 24) protruding laterally and capable of interacting with an advancing device, and the strip comprises, for each traction pin, at least one corresponding opposing projection (opposite 18; opposite 6 and/or 8; opposite 24) that protrudes from the opposite side of the strip.

As to claim 17, each container comprises a traction pin and corresponding opposing projection.

As to claims 19-21, Bill et al. disclose the edge of the strip configured in a roughly sinuous manner alternates in a step equal to the step between equivalent portions of each container, a full zone (at the traction pin and corresponding opposing projection) and an empty zone free of material of the strip.

7. Claims 22-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Dependent claim 16 would also then be allowable.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are strips of containers.

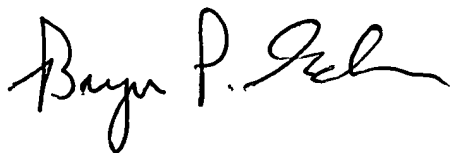
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" and last name "Gehman" clearly distinguishable.

Bryon P. Gehman
Primary Examiner
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BPG